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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KIMBERLEY MAIN, an individual, on behalf of herself and all others similarly situated, Plaintiffs, v. WAL-MART STORES, INC., a Delaware corporation, and DOES 1 through 50 inclusive Defendants.) Consolidated Case No. C 11-01919 JSW)) Consolidated with:) Case No. C 11-02001 JSW) Case No. C 11-02893 JSW) Case No. C 11-02659 JSW)) NOTICE OF MOTION AND) UNOPPOSED MOTION FOR) PRELIMINARY APPROVAL OF) CLASS ACTION SETTLEMENT)) [Filed concurrently with Class Action) Settlement Agreement; Declaration of Gene) J. Stonebarger; and Proposed Order]
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Date: January 25, 2013
Time: 9:00 a.m.
Ctmm.: 11, 19th Floor
Judge: Hon. Jeffrey S. White

TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS:

PLEASE TAKE NOTICE that on January 25, 2013, at 9:00 a.m., or as soon thereafter as counsel can be heard in Courtroom 11 of the above-entitled Court located at 450 Golden Gate Avenue, San Francisco, CA 94102, Plaintiffs Kimberley Main, Robin Nelson, Marylynn Grikavicius, Lourdes R. Landeros and Tiffany Heon will and hereby do move for an Order Preliminarily Approving the Class Action Settlement in this matter pursuant to Federal Rule of Civil Procedure 23, including each of the following:

- (1) preliminarily approving the Settlement Agreement as being fair, reasonable, and adequate;
- (2) provisionally certifying the Class under Fed. R. Civ. P. 23 for settlement purposes only;
- (3) preliminarily approving the form, manner, and content of the Class Notices and Claim Form;
- (4) appointing Plaintiffs Robin Nelson and Tiffany Heon as the Class representatives;
- (5) appointing the law firms of Stonebarger Law, APC, Westrup Klick LLP, Hoffman & Lazear, Patterson Law Group, APC, and Morris and Associates as counsel for the Class; and
- (6) setting the date and time of the Fairness Hearing.

This motion for preliminary approval of a class action settlement is based upon this notice of motion and motion, the accompanying memorandum of points and authorities, the supporting Declaration of Gene J. Stonebarger, the records and files in this action, and upon such further and additional papers and argument as may be presented herein.

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Dated: November 9, 2012

Respectfully Submitted,

STONEBARGER LAW, APC

WESTRUP KLINK LLP

By: /s/ Gene J. Stonebarger

Gene J. Stonebarger

Interim Co-Lead Counsel for Plaintiffs

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